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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,993	03/01/2002	Diethard Trenz	TRG-303	5710

7590

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EXAMINER

TILL, TERRENCE R

ART UNIT

PAPER NUMBER

1744

10

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,993

Applicant(s)

TRENZ ET AL.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-49, 52-59, 61-70, 72 and 74-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-46, 59, 61-70, 72 and 74-83 is/are allowed.
- 6) ☒ Claim(s) 47-49, 52-54 and 56-58 is/are rejected.
- 7) ☒ Claim(s) 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claim 51 is withdrawn in view of the newly applied reference(s) to Kleiner. Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 47-49, 52-54, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleiner in view of Federico et al.

5. The patent to Kleiner discloses brush comprising a brush head 12, brush head holder 11 with a handle 10, the brush head being detachably mounted to the brush head holder by friction, and an ejection mechanism which comprises a sleeve-shaped ejection member 15 movable by means of an actuator element 19 via a wire 17. Kleiner further discloses the brush head made of a degradable paper material impregnated with a cleaning agent. Kleiner does not disclose that the handle has a bend in it. The patent to Federico et al. discloses a similar toilet-cleaning device

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in which the handle 5 has a bend in it. It would have been obvious to a person skilled in the art at the time the invention was made to modify the handle of Kleiner to have a bend in it in order to more easily clean underneath toilet bowls. With respect to claim 48, Kleiner, once modified, is considered to have the bend near the brush head as it appears Federico et al. has the bend nearer the brush head. With respect to claim 49, Kleiner, as modified by Federico et al., discloses the claimed invention except for the bend comprising an angle of  $155^\circ$ , or  $25^\circ$  (its adjacent angle). Rather Kleiner, as modified by Federico et al., discloses an angle of  $15^\circ$ , or  $165^\circ$  (adjacent angle). It would have been an obvious matter of design choice to modify the bend of Kleiner, as modified by Federico et al., to comprise an angle of  $155^\circ$  (go from  $15^\circ$  to  $25^\circ$ ), since applicant has not disclosed that an angle of  $155^\circ$  is critical over Kleiner, as modified by Federico et al. Kleiner, as modified by Federico et al., with his bent toilet cleaner is for the same purposes as applicants and it appears that the invention would perform equally well with an angle of  $165^\circ$  ( $15^\circ$  as disclosed in Federico et al.). With respect to claim 56, Kleiner, as modified by Federico et al., discloses the claimed invention except for the brush head being made of soluble paper, not plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the brush head of Kleiner, as modified by Federico et al., to be made of soluble plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

***Allowable Subject Matter***

6. Claims 32-46, 59, 61-70, 72 and 74-83 are allowed.

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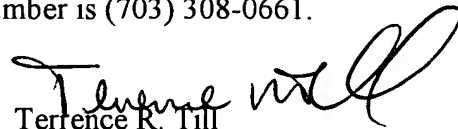
7. Claim 55 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (703) 308-1592. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Terrence R. Till  
Primary Examiner  
Art Unit 1744

trt